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By Email

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86 Broad Street, 28<sup>th</sup> Floor  
New York, New York 10004

Re: *Local 2507 et al. v. City of New York*, 22-cv-10036 (AT) (GWG)

Dear Counsel:

We are writing in response to Plaintiffs' June 3, 2025 response to the City's second ESI proposal. We hope that the City's third proposal below regarding its search for electronically stored information, for which we are offering many compromises aimed at reaching an agreement, will resolve Plaintiffs' concerns.

**December 2024 Request No. 24**

The City agrees to Plaintiffs' proposed search terms as they apply to the custodians enumerated in the following tables.

No.	Custodian	Agency	Title	Years Covered
1	Campion, Renee	OLR	Assistant Commissioner (Oct 2002–Dec 2009); Associate Commissioner (Jan 2010–Jun 2014); First Deputy Commissioner (Jul 2014–Jan 2019); Commissioner (Feb 2019–Present)	2002–Present
2	Campese, Matt	OLR	Assistant Deputy Commissioner (Dec 2000–Dec 2001); Assistant Commissioner (Dec 2001–Dec 2011); Assistant Commissioner (2020–2024)	2000–2011; 2020–2024
3	Banks, Steven	OLR	Deputy Assistant Counsel (Feb 2009–Sep 2011); Assistant Commissioner (Sep 2011–Sep 2015); Associate Commissioner (Sep 2015–Sep 2018); First Deputy Commissioner & General Counsel (Feb 2019–Jan 2022)	2009–2022
4	Pollak, Daniel	OLR	Deputy Assistant Counsel (Jul 2012–Nov 2015); Assistant Commissioner (Nov 2015–Oct 2018); Associate Commissioner (Oct 2018–Feb 2022); First Deputy Commissioner (Feb 2022–Present)	2012–Present
5	Linn, Robert	OLR	Commissioner, OLR (Jan 2014–Feb 2019); Director of Intergovernmental Affairs (2018–2019)	2014–2019
6	Fuchs, Regina	OLR	Administrative Labor Relations Analyst (Jul 1999–Aug 2012); Assistant Commissioner/Director of Research (Aug 2012–Dec 2023)	1999–2023
7	Godiner, Ken	OMB	Associate Director (Jul 2013–Jul 2015); Deputy Director (Jul 2015–Feb 2018); First Deputy Budget Director (Feb 2018–Present)	2013–Present
8	Gao, Kerry	OMB	Deputy Assistant Director (Jul 2015–Sep 2016); Assistant Director (Sep 2016–Apr 2023); Senior Assistant Director (Apr 2023–Present)	2015–Present
9	Page, Mark*	OMB	OMB Commissioner (2002–2014)	2002–2014

10	Fuleihan, Dean	OMB	OMB Commissioner (2013–2020)	2013–2020
11	Jiha, Jacques	OMB	OMB Commissioner (2020–Present)	2020–Present
12	Joe Lhota*	OMB	OMB Commissioner (1995-1998); First Deputy Mayor (1998-2001)	1998-2001
13	Melanie Hartzog	OMB	OMB Commissioner (2018-2020)	2018-2020
14	Jim Handley*	OLR	OLR Commissioner (1996-2013)	1996-2013

**\*No data to search**

No. 24	Terms								
	<table><tr><td>(EMS OR EMT* OR paramedic*) AND "pattern bargaining"</td></tr><tr><td>(EMS OR EMT* OR paramedic*) W/10 (Civilian AND (bargaining OR pattern))</td></tr><tr><td>(EMS OR EMT* OR paramedic*) W/10 (uniform* AND (bargaining OR pattern))</td></tr><tr><td>"civilian bargain*"</td></tr><tr><td>civilian AND (bargain* OR pattern)</td></tr><tr><td>“uniform bargain*”</td></tr><tr><td>“pattern bargain”</td></tr><tr><td>uniform* W/15 pattern</td></tr></table>	(EMS OR EMT* OR paramedic*) AND "pattern bargaining"	(EMS OR EMT* OR paramedic*) W/10 (Civilian AND (bargaining OR pattern))	(EMS OR EMT* OR paramedic*) W/10 (uniform* AND (bargaining OR pattern))	"civilian bargain*"	civilian AND (bargain* OR pattern)	“uniform bargain*”	“pattern bargain”	uniform* W/15 pattern
(EMS OR EMT* OR paramedic*) AND "pattern bargaining"									
(EMS OR EMT* OR paramedic*) W/10 (Civilian AND (bargaining OR pattern))									
(EMS OR EMT* OR paramedic*) W/10 (uniform* AND (bargaining OR pattern))									
"civilian bargain*"									
civilian AND (bargain* OR pattern)									
“uniform bargain*”									
“pattern bargain”									
uniform* W/15 pattern									

With regard to Plaintiffs' June 3, 2025 request that the City run these search terms against OLR Commissioner(s) and Deputy Mayor(s) employed by the City for the period of 2001-2015, the City has attempted to do so, and has already agreed to review hits on these search terms for Robert Linn (OLR Commissioner from 2014-2019). Since June 3, the City has also attempted to retrieve data for Jim Handley (OLR Commissioner from 1996-2013) and Joe Lhota (OMB Commissioner 1995-1998; First Deputy Mayor from 1998-2001) in order to run these searches against Plaintiffs' proposed custodians but does not possess any data for these individuals.

To resolve this dispute, the City will attempt to retrieve data for Patricia Harris (Deputy Mayor from 2002-2005, and First Deputy Mayor from 2006-2013) and Anthony Shorris (First Deputy Mayor from 2014-2017). The City possesses data for Ms. Harris but does not currently know the extent of the data it possesses (*i.e.*, whether the data extends back to 2002 or some later date). The City does not yet know whether it possesses data for Anthony Shorris. The City's agreement, however, is conditioned on Plaintiffs' agreement that, regardless of the scope of the data the City is able to pull, Plaintiffs will not request that the City search for additional custodians in reference to Request for Production No. 24.

The City has not refused to identify or search for potentially relevant ESI custodians. To the contrary, the City has expended significant efforts to do so. But Plaintiffs are seeking communications dating back more than 25 years, and some individuals for this earlier timeframe simply do not have ESI from decades ago to review. Thus, we encourage Plaintiffs to accept the City's robust proposal with respect to RFP No. 24.

### **December 2024 Request No. 38**

The City has agreed to Plaintiffs' proposed search terms as they apply to the custodians enumerated below. In their June 3 counter-proposal, however, Plaintiffs, much like Request No. 24, asked the City to find additional custodians against whom to run the agreed-upon search terms for the period of 1996-2000. To be clear, the City has expended significant resources attempting to identify custodians who were employed by the City during, and possess data from, the period of 1996-2000 as requested by Plaintiffs. To date, the City has agreed to review any hits of the agreed-upon terms on the following custodians with respect to Request No. 38:

No.	Custodian	Agency	Title	Years Covered
1	Campion, Renee	OLR	Assistant Commissioner (Oct 2002–Dec 2009); Associate Commissioner (Jan 2010–Jun 2014); First Deputy Commissioner (Jul 2014–Jan 2019); Commissioner (Feb 2019–Present)	2002–Present
2	Campese, Matt	OLR	Assistant Deputy Commissioner (Dec 2000–Dec 2001); Assistant Commissioner (Dec 2001–Dec 2011); Assistant Commissioner (2020–2024)	2000–2011; 2020–2024
3	Banks, Steven	OLR	Deputy Assistant Counsel (Feb 2009–Sep 2011); Assistant Commissioner (Sep 2011–Sep 2015); Associate Commissioner (Sep 2015–Sep 2018); First Deputy Commissioner & General Counsel (Feb 2019–Jan 2022)	2009–2022
4	Pollak, Daniel	OLR	Deputy Assistant Counsel (Jul 2012–Nov 2015); Assistant Commissioner (Nov 2015–Oct 2018); Associate Commissioner (Oct 2018–Feb 2022); First Deputy Commissioner (Feb 2022–Present)	2012–Present
5	Linn, Robert	OLR	Commissioner, OLR (Jan 2014–Feb 2019); Director of Intergovernmental Affairs (2018–2019)	2014–2019
6	Page, Mark*	OMB	OMB Commissioner (2002–2014)	2002–2014
7	Fuleihan, Dean	OMB	OMB Commissioner (2013–2020)	2013–2020
8	Jiha, Jacques	OMB	OMB Commissioner (2020–Present)	2020–Present
9	Joe Lhota*	OMB	OMB Commissioner (1995–1998); First Deputy Mayor (1998–2001)	1995–2001
10	Melanie Hartzog	OMB	OMB Commissioner (2018–2020)	2018–2020
11	Von Esson, Tom*	FDNY	FDNY Commissioner (2000–2001)	2000–2001

12	Nigro, Daniel	FDNY	Chief of Fire Operations (2001–2002); FDNY Commissioner (2014–2022)	2001–2002; 2014–2022
13	Scoppetta, Nicholas**	FDNY	FDNY Commissioner (2002–2009)	2002–2009
14	Cassano, Salvatore	FDNY	Chief of Fire Operations (2003–2006); Chief of Operations (2006–2009); Fire Commissioner (2010– 2014)	2003–2014
15	McNally, Patrick	FDNY	Chief of Fire Operations (2006–2009)	2006–2009
16	Jim Handley*	OLR	OLR Commissioner (1996–2013)	1996–2013
17	Jean Brewer*	OLR	OLR Associate Commissioner (1990–2002)	1996–2002

\*No data to search

\*\*No hits

As discussed with regard to Request No. 24, since June 3, the City attempted to pull data for Jim Handley (OLR Commissioner from 1996-2013) and Joe Lhota (OMB Commissioner from 1995-1998; First Deputy Mayor from 1998-2001) but does not possess any data for these individuals. Additionally, as to the other custodians for whom the City has attempted to pull data for the period of 1996-2000, there exist no hits on the data based on the search terms or no data to search.

Additionally, the City has agreed to Plaintiffs' requests to search for custodians in OMB, FDNY, OLR, and OTM, but will not agree to search for custodians in its legal department, as this necessarily seeks attorney-client privileged information and/or attorney work product.

Accordingly, to resolve this dispute, the City will agree to attempt to retrieve data for Patricia Harris (Deputy Mayor from 2002-2005, and First Deputy Mayor from 2006-2013). The City's agreement is conditioned on Plaintiffs' agreement that, regardless of the scope of the data the City is able to pull, Plaintiffs will not request that the City search for additional custodians in reference to their Request for Production No. 38.

#### **December 2024 Request Nos. 39-41**

Similar to Request No. 38, there is no dispute regarding search terms, but the City has been unable to locate custodians who were employed by the City during, and possess data from, the period of 1996-2000 as requested by Plaintiffs. To date, the City has agreed to review any hits on the following custodians with respect to Request Nos. 39-41:

No.	Custodian	Agency	Title	Years Covered
1	Campion, Renee	OLR	Assistant Commissioner (Oct 2002–Dec 2009); Associate Commissioner (Jan 2010–Jun 2014); First Deputy Commissioner (Jul 2014–Jan 2019); Commissioner (Feb 2019–Present)	2002–Present
2	Campese, Matt	OLR	Assistant Deputy Commissioner (Dec 2000–Dec 2001); Assistant Commissioner (Dec 2001–Dec 2011); Assistant Commissioner (2020–2024)	2000–2011; 2020–2024
3	Banks, Steven	OLR	Deputy Assistant Counsel (Feb 2009–Sep 2011); Assistant Commissioner (Sep 2011–Sep 2015); Associate Commissioner (Sep 2015–Sep 2018); First Deputy Commissioner & General Counsel (Feb 2019–Jan 2022)	2009–2022
4	Pollak, Daniel	OLR	Deputy Assistant Counsel (Jul 2012–Nov 2015); Assistant Commissioner (Nov 2015–Oct 2018); Associate Commissioner (Oct 2018–Feb 2022); First Deputy Commissioner (Feb 2022–Present)	2012–Present
5	Linn, Robert	OLR	Commissioner, OLR (Jan 2014–Feb 2019); Director of Intergovernmental Affairs (2018–2019)	2014–2019
6	Page, Mark*	OMB	OMB Commissioner (2002–2014)	2002–2014
7	Fuleihan, Dean	OMB	OMB Commissioner (2013–2020)	2013–2020
8	Jiha, Jacques	OMB	OMB Commissioner (2020–Present)	2020–Present
9	Joe Lhota*	OMB	OMB Commissioner (1995-1998); First Deputy Mayor (1998-2001)	1995-2001
10	Melanie Hartzog	OMB	OMB Commissioner (2018-2020)	2018-2020



11	Von Esson, Tom*	FDNY	FDNY Commissioner (2000–2001)	2000–2001
12	Nigro, Daniel	FDNY	Chief of Fire Operations (2001–2002); FDNY Commissioner (2014–2022)	2001–2002; 2014–2022
13	Scoppetta, Nicholas**	FDNY	FDNY Commissioner (2002–2009)	2002–2009
14	Cassano, Salvatore	FDNY	Chief of Fire Operations (2003–2006); Chief of Operations (2006–2009); Fire Commissioner (2010– 2014)	2003–2014
15	McNally, Patrick	FDNY	Chief of Fire Operations (2006–2009)	2006–2009
16	Jim Handley*	OLR	OLR Commissioner (1996–2013)	1996–2013
17	Jean Brewer*	OLR	OLR Associate Commissioner (1990–2002)	1996–2002

\*No data to search

\*\*No hits

As referenced above with respect to Plaintiff's December 2024 Request No. 38, and applicable to Nos. 39-41, since June 3, the City has attempted to pull data for additional custodians for the period of 1996-2000, including Jim Handley (OLR Commissioner from 1996-2013) and Joe Lhota (OMB Commissioner from 1995-1998; First Deputy Mayor from 1998-2001), but for whom the City does not possess any data.

Once more, the City has agreed to Plaintiffs' requests for it to search for custodians in OMB, FDNY, OLR, and OTM, but will not agree to search for custodians in its legal department, as this necessarily seeks attorney-client privileged information or attorney work product.

Accordingly, to resolve this dispute the City will agree to attempt to retrieve data for Patricia Harris (Deputy Mayor from 2002-2005, and First Deputy Mayor from 2006-2013). The City's agreement is conditioned on Plaintiffs' agreement that, regardless of the scope of the data the City is able to pull, they will not request that the City search for additional custodians in reference to their Request for Production Nos. 39-41.

#### **June 2023 Request No. 7**

As of the City's May 30, 2025 ESI proposal, the City had agreed to review any hits on the following search terms and custodians:

No.	Custodian	Agency	Title	Years Covered
1	Campion, Renee	OLR	Assistant Commissioner (Oct 2002–Dec 2009); Associate Commissioner (Jan 2010–Jun 2014); First Deputy Commissioner (Jul 2014–Jan 2019); Commissioner (Feb 2019–Present)	2002–Present
2	Campese, Matt	OLR	Assistant Deputy Commissioner (Dec 2000–Dec 2001); Assistant Commissioner (Dec 2001–Dec 2011); Assistant Commissioner (2020–2024)	2000–2011; 2020–2024
3	Banks, Steven	OLR	Deputy Assistant Counsel (Feb 2009–Sep 2011); Assistant Commissioner (Sep 2011–Sep 2015); Associate Commissioner (Sep 2015–Sep 2018); First Deputy Commissioner & General Counsel (Feb 2019–Jan 2022)	2009–2022
4	Pollak, Daniel	OLR	Deputy Assistant Counsel (Jul 2012–Nov 2015); Assistant Commissioner (Nov 2015–Oct 2018); Associate Commissioner (Oct 2018–Feb 2022); First Deputy Commissioner (Feb 2022–Present)	2012–Present
5	Linn, Robert	OLR	Commissioner, OLR (Jan 2014–Feb 2019); Director of Intergovernmental Affairs (2018–2019)	2014–2019
6	Fuchs, Regina	OLR	Administrative Labor Relations Analyst (Jul 1999–Aug 2012); Assistant Commissioner/Director of Research (Aug 2012–Dec 2023)	1999–2023

No.	Terms
	"MOU" AND EMS
	"MOA" AND EMS
	"Memorandum of Understanding" AND EMS

"Memorandum of Agreement" AND EMS
"side letter" AND EMS
"MOU" AND "Emergency medical services"
"MOA" AND "Emergency medical services"
"Memorandum of Understanding" AND "emergency medical services"
"Memorandum of Agreement" AND "Emergency medical services"
"side letter" AND "Emergency medical services"
"MOU" AND "Emergency medical technician"
"MOA" AND "Emergency medical technician"
"Memorandum of Understanding" AND "Emergency medical technician"
"Memorandum of Agreement" AND "Emergency medical technician"
"side letter" AND "Emergency medical technician"
"MOU" AND "Emergency medical technicians"
"MOA" AND "Emergency medical technicians"
"Memorandum of Understanding" AND "Emergency medical technicians"
"Memorandum of Agreement" AND "Emergency medical technicians"
"side letter" AND "Emergency medical technicians"
"MOU" AND EMT
"MOA" AND EMT
"Memorandum of Understanding" AND EMT
"Memorandum of Agreement" AND EMT
"side letter" AND EMT
"MOU" AND "paramedic*"
"MOA" AND "paramedic*"
"Memorandum of Understanding" AND "paramedic*"
"Memorandum of Agreement" AND "paramedic*"
"side letter" AND "paramedic*"
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Uniform Firefighters Association OR UFA OR Local 94)

	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Uniformed Fire Officers Association OR UFOA OR Local 854)
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Local 2507
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Local 3621
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (SOA or Superior Officers Association)
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Supervising Emergency Medical Service Specialist Level)
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Firefighter
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Lieutenant
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Captain
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Battalion Chief
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Deputy Chief
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Division Chief
	(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Division Commander

In its May 30 proposal, the City agreed to review the hits for all of Plaintiffs’ requested searches except for one – (“(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (DC 37 OR DC37 OR District Council 37)”)¹ – because this term alone resulted in ~13,000 hits (~25,000 with families). Thus, aside from refusing to review the hits on this one search term (while agreeing to forty-three other search terms), the City had agreed to Plaintiffs’ proposal and intended to review the ~24,000 hits (~43,000 with families) applicable to this Request for Production. Without taking any position as to the City’s offer, Plaintiffs replied by: (i) deleting previously agreed upon terms, (ii) adding four new terms, and (iii) asking for a hit count for each of the now forty-eight terms.

The City is currently evaluating Plaintiffs’ request to include these four new search terms plus the DC 37 term and anticipates being able to follow up with Plaintiffs by June 20.

**June 2023 Request No. 8**

In their June 3 correspondence, and to resolve their concerns with respect to Request No. 8, Plaintiffs proposed that the City include in its search the term – “Fire\*” AND “support” or “lobby” AND (“legislation” OR “bill”) – in addition to the previously agreed upon terms. The City agrees to Plaintiffs’ proposal.

\* \* \*

Please let us know as soon as possible and no later than June 20, 2025 if you have any proposed revisions to the custodians or search terms.

Sincerely,

/s/ Lora Minicucci

Lora Minicucci  
Assistant Corporation Counsel

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¹ Hereinafter “the DC 37” term.